

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

SECURITIES INVESTOR PROTECTION
CORPORATION,

Plaintiff,

v.

BERNARD L. MADOFF INVESTMENT
SECURITIES LLC,

Defendant.

Adv. Pro. No. 08-01789 (SMB)

SIPA Liquidation

(Substantively Consolidated)

In re:

BERNARD L. MADOFF,

Debtor.

IRVING H. PICARD, Trustee for the
Liquidation of Bernard L. Madoff Investment
Securities LLC,

Plaintiff,

v.

EDWARD BLUMENFELD, *et al.*,

Defendants.

Adv. Pro. No. 10-04730 (SMB)

THIRD STIPULATION AND ORDER ON POST-MEDIATION PLEADINGS

WHEREAS, Irving H. Picard, Trustee for the substantively consolidated liquidation of Bernard L. Madoff Investment Securities LLC and Bernard L. Madoff (the “Trustee”), commenced this adversary proceeding (the “Action”) by filing a complaint (the “Complaint”) on November 29, 2010; and

WHEREAS, the Trustee and the defendants (“Defendants,” and together with the Trustee, the “Parties”) agreed to exchange limited discovery and mediate the issues presented in

the Action pursuant to a Stipulation and Order “so ordered” by this Court on August 27, 2012 (the “Original Order”); and

WHEREAS, the Original Order, among other things, (i) provided for an “Agreed Period” for the Parties to exchange limited discovery and conduct the mediation, (ii) scheduled a pre-trial conference, (iii) extended Defendants’ time to respond to the Complaint up to and including 30 days following the last day of the Agreed Period, and (iv) confirmed the Parties’ agreement that the Trustee may file and serve an amended complaint until 45 days after the end of the Agreed Period; and

WHEREAS, pursuant to subsequent “so ordered” stipulations and orders, the Parties extended the mediation and adjourned scheduled pre-trial conferences; and

WHEREAS, the mediation ended and the Court “so ordered” a Stipulation and Order on Post-Mediation Pleadings on March 17, 2014 (the “Post-Mediation Stipulation and Order”), which, among other things, (i) further extended the Trustee’s time to file an amended complaint pursuant to Section 4(a) of the Original Order to May 13, 2014, and (ii) confirmed that Defendants would consent to any reasonable request by the Trustee for an extension of that deadline; and

WHEREAS, the Court “so ordered” a Second Stipulation and Order on Post-Mediation Pleadings on May 13, 2014 (the “Second Post-Mediation Stipulation and Order”), which, among other things, (i) further extended the Trustee’s time to file an amended complaint pursuant to Section 4(a) of the Original Order to July 14, 2014, and (ii) again confirmed that Defendants would consent to any reasonable request by the Trustee for an extension of that deadline; and

WHEREAS, the Defendants have consented to another 60-day extension of the Trustee’s time to file an amended complaint; and

WHEREAS, the Trustee and Defendants have agreed on certain other, necessary modifications to the Second Post-Mediation Stipulation and Order in light of that agreed-upon extension;

NOW, THEREFORE, the Parties stipulate and agree to, and the Court **ORDERS**, the following:

1. Other than as set forth below, the Parties hereby affirm the terms of the Post-Mediation Stipulation and Order and the Second Post-Mediation Stipulation and Order in all respects.

2. Defendants' time to move, answer or otherwise respond to the Complaint is extended, as per paragraph 6 below (in the event such Complaint is not amended, per paragraphs 3-5 below).

3. The Trustee's time by which he may file an amended complaint pursuant to Section 4(a) of the Original Order (an "Amended Complaint") is hereby extended to September 12, 2014.

4. The Defendants' time to move, answer, or otherwise respond to such Amended Complaint is hereby extended to 45 days after the date on which the Amended Complaint is served.

5. The Trustee shall give Defendants at least 10 days' notice if he intends to file an Amended Complaint before September 2, 2014. If the Trustee seeks to extend the time by which he may file an Amended Complaint beyond September 12, 2014, the Defendants will consent to any reasonable request to do so.

6. If, by September 12, 2014, the Trustee has not filed an Amended Complaint and has not sought any extension of time to do so, the Defendants shall have until October 27, 2014 to move, answer or otherwise respond to the Complaint.

7. The pre-trial conference is adjourned to November 19, 2014 at 10:00 a.m.

Dated: New York, New York
July 9, 2014

By: /s/ Antonio J. Casas
Howard L. Simon (hsimon@windelsmarx.com)
Antonio J. Casas (acasas@windelsmarx.com)
Windels Marx Lane & Mittendorf LLP
156 West 56th Street
New York, New York 10019
Tel: (212) 237-1000
Fax: (212) 262-1215

*Special Counsel to Irving H. Picard, Trustee for
the Substantively Consolidated SIPA Liquidation of
Bernard L. Madoff Investment Securities LLC and
Bernard L. Madoff*

Dated: New York, New York
July 9, 2014

By: /s/ William P. Weintraub
William P. Weintraub
Goodwin Procter LLP
The New York Times Building
620 Eighth Avenue
New York, NY 10018-1405
Tel: (212) 813-8800
Fax: (212) 355-3333

Attorneys for Defendants

Dated: New York, New York
July 9, 2014

By: /s/ Seth L. Rosenberg
Seth L. Rosenberg
Clayman & Rosenberg LLP
305 Madison Avenue
New York, NY 10165
Tel: (212) 922-1080
Fax: (212) 949-8255

Attorneys for Defendants

SO ORDERED ON July 10th, 2014:

/s/ STUART M. BERNSTEIN
HONORABLE STUART M. BERNSTEIN
UNITED STATES BANKRUPTCY JUDGE